



## MINNESOTA DEPARTMENT OF PUBLIC SAFETY

# 2018 Annual Report to the Legislature: The readiness of state government to respond to discharges of oil or hazardous substances

*In compliance with Minnesota Statutes, section 115E.08, subdivision 4*



MINNESOTA DEPARTMENT OF AGRICULTURE

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

BUREAU OF CRIMINAL APPREHENSION

HOMELAND SECURITY AND EMERGENCY MANAGEMENT

MINNESOTA STATE PATROL

MINNESOTA POLLUTION CONTROL AGENCY

MINNESOTA DEPARTMENT OF TRANSPORTATION

OFFICE OF FREIGHT AND COMMERCIAL VEHICLE OPERATIONS

## **Background**

Minnesota Statutes, chapter 115E, requires responsible parties to prevent, prepare for and respond to discharges of oil and hazardous materials. State agencies and departments also have responsibilities. The Department of Public Safety (DPS) commissioner coordinates state agency preparedness through the Homeland Security and Emergency Management (HSEM) division. Section 115E.08, subdivision 4 requires the commissioner to report annually to the appropriate legislative committees on state government's readiness to respond appropriately to such incidents.

The following departments have primary responsibility to carry out the specified duties and authorities of chapter 115E:

- Department of Agriculture: agricultural chemicals.
- Department of Natural Resources: assessment and rehabilitation of water resources.
- Department of Public Safety: public safety and protection of property.
- Department of Transportation: transportation regulations.
- Minnesota Pollution Control Agency: all other matters relating to chapter 115E.

## **National Incident Management System**

All state agencies and local jurisdictions use the federally mandated National Incident Management System (NIMS) when responding to a variety of incidents. NIMS includes the incident command system used to coordinate response. The incident command system promotes teamwork and allows various levels of government to work together without disrupting the local response structure. Governor's Executive Order 05-02 requires state agencies to adopt NIMS; all of Minnesota's county and city governments adopted it as well.

The number of requests for HSEM-sponsored NIMS courses remains high. In a time of elevated terror alerts and budget cuts, state agencies and local jurisdictions recognize the need to share resources and standardize training. Partnerships with the Association of Minnesota Emergency Managers (AMEM) and others continue to improve service delivery to meet this demand.

## **Minnesota Department of Public Safety**

### **Homeland Security and Emergency Management Division**

HSEM's mission is helping Minnesota prepare for, respond to and recover from emergencies and disasters. HSEM ensures state and local governments have the capability to protect the public in the event of an incident involving hazardous materials (chemical, biological, radiological, nuclear and explosive devices) by providing information, guidance and training to responders.

## **Minnesota Duty Officer**

The Bureau of Criminal Apprehension, a division of DPS, maintains the Minnesota Duty Officer (MDO) program. The MDO has proven to be a critical statewide link in notifying state agencies of hazardous materials spills and releases.

Incoming requests for assistance cover a broad range of topics, including environmental concerns, natural disasters and threats or suspected acts of terrorism. The MDO operates 24 hours a day, seven days a week, coordinating assistance to local and tribal governments and professional response agencies. In 2018, the MDO handled 636 calls related to discharges of oil or hazardous substances, which accounted for about seven percent of the initiating calls (see Figures 1, 2 and 3).

Initiating call category	Initiating calls to MDO*	Resulting notifications/calls
Air Quality	245	1,008
Fire Marshal Investigator	626	1,452
Informational Call	3,387	4,115
Methamphetamine Lab	0	0
Mutual Aid	1	4
National Guard/CAP/Aircraft	11	27
Nuclear Plant	123	134
Search and Rescue	3	4
Spills	2,693	12,657
Supplemental	694	5,415
Waste Water Bypass	270	1,145
Weather Incident	23	33
**Bomb Squad	118	515
**CAT/ERT Request	26	339
**Pipeline Break/Leak	180	690
**Tank Pulls (Contaminated Soil)	286	615
**SARA Title III Release	34	137
**WMD Threat	0	0
Totals	8,720	28,298

Figure 1

### Initiating calls to the MDO\*

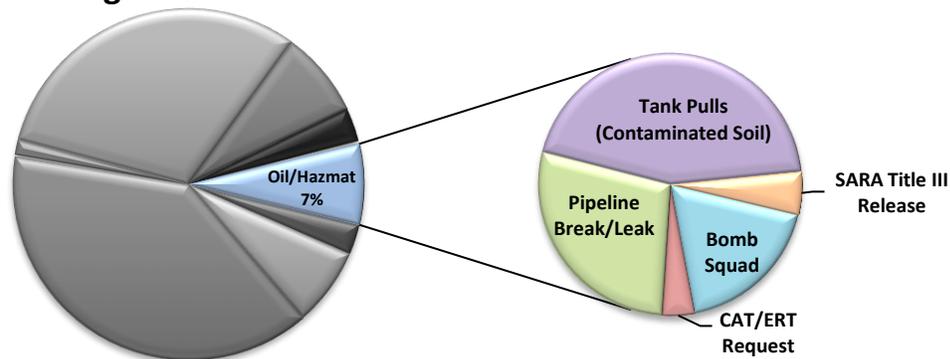


Figure 2

### Resulting notifications or calls by MDO

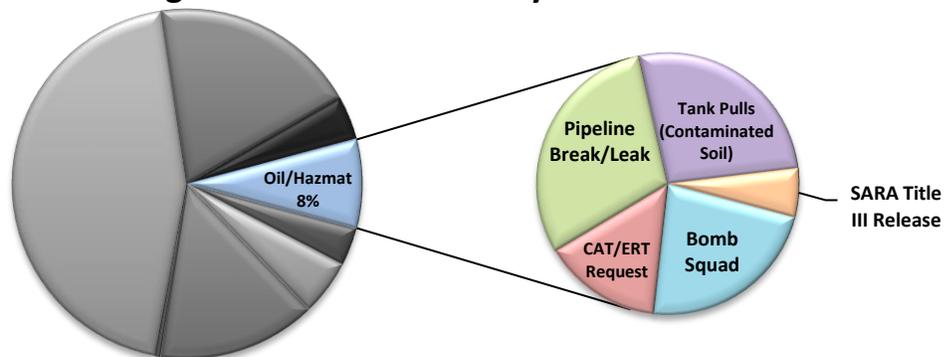


Figure 3

\*Initiating calls appear under all appropriate categories. For example, a spill call requiring a CAT/ERT response is listed under both “Spills” and “CAT/ERT Request.” These numbers reflect only calls resulting in an MDO report.

\*\*Related to discharges of oil or hazardous substances.

## **Minnesota State Patrol**

The Minnesota State Patrol is routinely one of the first agencies to respond to an incident involving hazardous materials. This may occur on or near a highway where public protection is critical. Within the Commercial Vehicle Section of the State Patrol includes inspectors and state troopers who inspect commercial vehicles involved in crashes, many transporting hazardous materials. The inspections help identify regulation violations and contributing factors to the crash. The inspectors are trained in proper hazardous materials packaging and cargo tanker operations. Information found during an inspection may be handled criminally or passed on to other state or federal agencies for further investigation.

One trained inspector conducts Commercial Vehicle Safety Alliance (CVSA) level VI radioactive inspections on vehicles transporting special high-level radioactive shipments. These loads must be inspected when originating in Minnesota or entering Minnesota from Canada.

The State Patrol has a hazardous materials decontamination trailer that can be deployed anywhere in the state. In addition, an explosives-detecting K-9 is assigned to a trooper at the State Capitol.

## **HSEM State Emergency Response Teams Coordinator**

HSEM coordinates all state contract emergency response teams, response asset programs, and statutory requirements. The coordinator ensures the state of Minnesota and local governments have the capability to respond to and protect the public from an incident — accidental or intentional — that may involve hazardous materials, explosive devices or structural collapse. The coordinator is a subject matter expert with deep technical knowledge of hazardous substances and explosives.

The coordinator manages operations of the statewide system of regional response teams: hazardous material hazardous materials teams, chemical assessment teams (as defined by the Minnesota Hazardous Materials Incident Response Act), bomb disposal squads and structural collapse teams. This includes providing information and guidance to local and state responders so they can plan, train and prepare for all hazards, including terrorist threats.

## **Hazardous Materials Regional Response Team**

HSEM maintains the Hazardous Materials Regional Response Team program, which assists local authorities by providing technical guidance to incident commanders and recommending mitigation measures necessary to protect life, property and the environment. In addition to the teams outlined below, three HSEM on-call staff members are trained to comply with Occupational Safety and Health Standards 29 CFR 1910.120(q)(6) and National Fire Protection Association (NFPA) 472, chapter 7. Both the teams and on-call staff are available 24 hours a day, seven days a week. Local authorities request assistance via the MDO. HSEM also contracts with four local law enforcement agencies to provide statewide response for explosive devices. The Hazardous Materials Regional Response Team program continues to be an effective and efficient way to supplement local response capabilities.

## **Chemical Assessment Teams (CATs)**

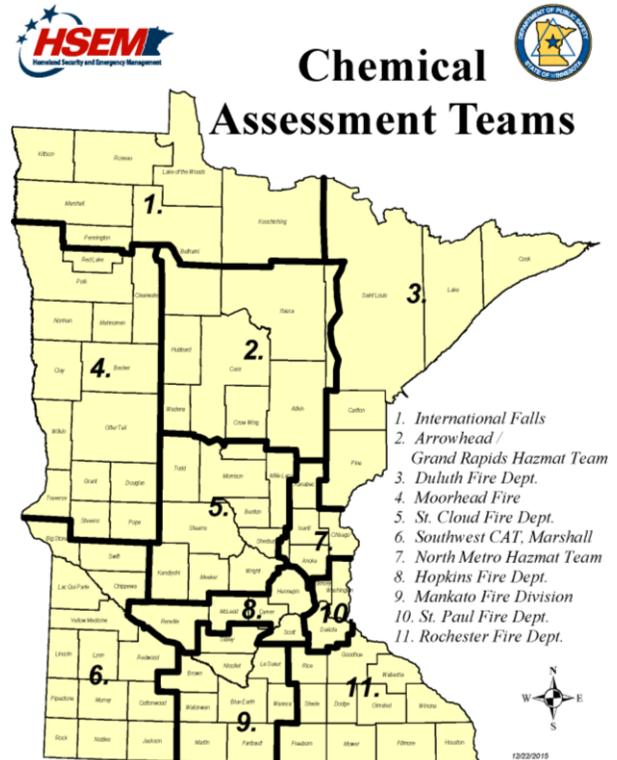
CATs are composed of a minimum of nine trained personnel. One hazardous materials specialist and two technicians must be available to respond at all times. Assistance requests within the CATs' respective jurisdictions decreased from 28 in 2017 to 22 this year. CATs also responded to 18 incidents that occurred outside of their respective jurisdictions during this reporting period.

HSEM on-call staff provided phone consultation in an additional 21 incidents and were on the scene of four incidents.

CATs provide local incident commanders with technical support and monitoring, professional responders trained to exceed OSHA and NFPA competencies, specialized equipment and reference materials, and additional support and follow-up by other state agencies. A CAT's primary incident scene responsibilities are hazard assessment, technical assistance, simple mitigation and basic decontamination.

CATs are capable of product sampling, identifying unknown substances, air monitoring, plume projection, evacuation/sheltering recommendations, overpack/containment of a container and sample collection (not evidence). CATs cannot assume overall command of a local incident; they do not clean up or transport hazardous materials, mitigate explosive devices or clandestine drug labs, or respond to waste abandonment or abandoned barrel calls.

Local jurisdictions continue to provide positive feedback about Minnesota's CATs. Because many municipal fire departments no longer maintain local hazardous materials teams, they depend on CATs to provide technical information and simple mitigation guidance. The responsible party pays most CAT response costs.



### Emergency Response Teams (ERTs)

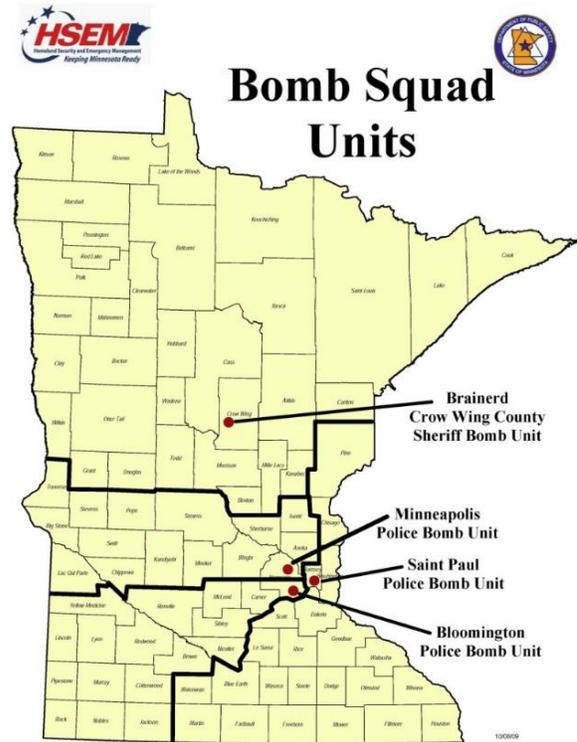
ERTs are located in the cities of Duluth, Moorhead, St. Cloud and St. Paul. All serve as CATs when needed. Each ERT has at least 30 trained personnel, with four specialists, four technicians and one medical support officer on duty at all times. When operating as a CAT, ERTs respond with up to four team members and adhere to CAT response protocols.

An ERT may take action necessary to protect life, property and the environment from the effects of a hazardous material release. Its actions include preventing a release, mitigating the effects of the release, and stabilizing the situation.

## Bomb Disposal Units

There are four contracted bomb disposal units in the state teams program. These squads comprise universally trained and equipped licensed Minnesota peace officers certified as hazardous devices technicians and hazardous materials technicians or specialists. The squads perform post blast investigations, evidence handling and packaging, reconstruction of detonated devices, clandestine lab operations and site safety. Each team is equipped with hazardous device disposal robots, portable digital X-ray machines, single vent (open) trailers and total containment vessels for chemical/biological devices.

In 2018, these teams responded to 236 incidents throughout the state; the MDO received and dispatched 118 out-of-jurisdiction calls. Bomb squads do not respond to reports of abandoned barrels.



## Preparedness and Response Committees

### Minnesota Emergency Preparedness and Response Committee

HSEM chairs the Minnesota Emergency Preparedness and Response Committee (EPRC). Members meet quarterly or as needed to share information and discuss topics of common interest. The EPRC has one member from each state agency identified in Governor’s Executive Order 15-13: Assigning Emergency Responsibilities to State Agencies. The EPRC guides state agencies as they provide support and resources to local jurisdictions during emergencies. The EPRC also facilitates updates to the Minnesota Emergency Operations Plan.

### State Agency Responders Committee

HSEM coordinates the State Agency Responders Committee, composed of the initial on-call field responders from all state agencies with responsibilities in hazardous materials incident management. This group meets quarterly and reviews previous responses for opportunities to improve the state’s effectiveness. The committee also actively seeks input from local jurisdictions on how the state can assist their response to hazardous materials events. This committee brings a wide variety of expertise to the table, with contributions from the Minnesota Pollution Control Agency; the National Guard 55<sup>th</sup> Civil Support Team; and the departments of Agriculture, Health, Labor and Industry, Natural Resources, Public Safety, and Transportation.

## **Minnesota Department of Agriculture**

The Minnesota Department of Agriculture (MDA) is the lead state agency accountable for responding to agricultural chemical incidents. MDA's agricultural chemical emergency response program, housed in the Pesticide and Fertilizer Management Division (PFMD), consists of a four-member on-call team based in St. Paul. Team members rotate on-call duties, ensuring immediate agricultural chemical incident response is available anywhere in Minnesota at any time of day or night. Of the four team members, one is dedicated to work exclusively on agricultural chemical emergency response. The other three are lead workers in related MDA programs.

The agricultural chemical emergency response program is augmented by thirteen regional MDA agricultural chemical investigators and three specialized anhydrous ammonia inspection staff located throughout Minnesota. Inspection field staff may be dispatched by an on-call team member to provide a rapid on-site presence, emergency response support, and oversight for environmental cleanup. The team responds to approximately 120 agricultural chemical spills per year.

The on-call team regularly debriefs team members and management on agricultural chemical incidents. Debriefing ensures an improved response, thus providing high quality service to the people of Minnesota.

In the event a responsible party is unwilling or unable to respond to an incident or is unknown, on-call staff have the authority, under Minnesota Statutes, chapter 115B, to dispatch an emergency response contractor as well as initiate cost recovery and enforcement actions against the responsible party.

PFMD emphasizes emergency preparedness statewide by offering:

- Spill prevention and response training for new pesticide applicators and pesticide recertification workshops.
- Compliance assistance with the simplified incident response sample plan that includes clarified plan maintenance, training schedules and first responder notification.
- Spill prevention and preparedness outreach to agricultural chemical users, dealers, manufacturers and safety officers.
- In 2018, inspection of 81 anhydrous ammonia facilities and investigation of 48 anhydrous ammonia incidents.
- Anhydrous ammonia safety workshops to the regulated community, emergency responders, insurance and safety representatives, and agricultural college students. They provided eight workshops in 2018. MDA also participated in anhydrous ammonia emergency response training offered by the agricultural chemical industry.

## **Minnesota Pollution Control Agency**

The Minnesota Pollution Control Agency (MPCA) is the lead state agency for environmental hazard response for oil and hazardous substances. The Minnesota Pollution Control Agency Emergency Management Unit (MPCA EMU) consists of eight full-time equivalent positions held by highly trained and experienced staff located in Brainerd, Duluth, Marshall, Rochester and St. Paul. One emergency responder is on-call during all evening and weekend hours.

The MPCA has the following types of required reporting through the MDO program:

- Any substance or material discharged or spilled that may cause pollution of state waters. This includes everything from milk and manure to petroleum and industrial chemicals.
- Air releases and equipment breakdowns and shutdowns.
- Permit-required notifications, such as wastewater spills and bypasses.
- Pipeline breaks and leaks.
- Discovery of contamination in soil or water.

Each year, MPCA triages about 3,100 notifications, assessing the situations for emergency environmental conditions requiring state oversight. MPCA EMU works collaboratively and cooperatively with emergency responders from federal, state, tribal, county and local units of government. MPCA's usual role is overseeing and directing environmental cleanups done by the companies responsible for the incident. This may be as simple as a telephone call confirming that adequate cleanup of a small spill is underway or as complex as extended onsite presence to oversee all aspects of cleaning up a major spill resulting from a train derailment.

In cases where the responsible party is unable or unwilling to conduct a cleanup or is unknown, MPCA may hire a state contractor to clean up the spill. MPCA then pursues cost recovery and appropriate enforcement actions against the responsible party.

During floods and storms, MPCA offers assistance and support to those affected. Assistance may include help with organizing, sorting, collecting, recycling and disposing of debris; stabilizing and restarting wastewater treatment plants; cleaning up spilled oil; and recovering scattered or floating tanks. MPCA can advise and assist local public safety officials with cleanup and recovery concerns during the public safety phase of incidents involving oil and hazardous materials.

Spill prevention and preparedness is part of MPCA EMU's mission. Minnesota Statutes, chapter 115E, requires prevention and response plans for persons who own or operate a vessel; storage tank facility storing more than 10,000 gallons; pipeline transporting more than 100,000 gallons per month; railroad car rolling stock transporting more than 100,000 gallons per month; or truck transporting more than 10,000 gallons per month.

Railroads with unit trains have additional preparedness requirements that MPCA is responsible for overseeing. In 2018, MPCA performed the following tasks related to those requirements:

- Inspected response equipment caches of railroads and their contractors.
- Planned and conducted a functional exercise with the participation and collaboration of all five railroads. The exercise practiced field deployment of resources to contain oil and protect sensitive resources.
- Planned and participated in ethanol response training through the United States Environmental Protection Agency (EPA) Siouxland Sub-Area Committee.
- Served on the planning committee for and participated in a multi-city exercise in Freeborn County.
- Participated in railroad response training at Camp Ripley.
- Received prevention and response plans from the five railroads operating unit trains.

MPCA's authorities and responsibilities under Minnesota Statutes, chapter 115E, are for pollution and environmental protection from releases of oil and hazardous substances. For

example, MPCA reviews and regulates facilities' preparedness to contain and recover oil spills, protect water resources from pollution, and recover spills from land to protect groundwater. However, MPCA does not review or regulate prevention or preparedness for fires, explosions or releases of acutely toxic gases that threaten the public's safety. Those threats are the responsibility of public safety officials. Minnesota Statutes, chapter 115E, assigns the MDA the responsibility of working with facilities on preparedness for releases of agricultural chemicals, including pesticides, anhydrous ammonia and chlorine.

MPCA reviews and enforces petroleum pipeline companies' preparedness for spills from pipelines. The Department of Public Safety Office of Pipeline Safety enforces the pipeline spill and leak prevention and operation requirements.

MPCA provides oil spill response training as requested to fire departments throughout the state. The MPCA EMU offers classroom instruction, hands-on practice deploying equipment, and assistance with exercises. MPCA occasionally provides response equipment to ensure preparedness and benefit the environment, because fire departments contain businesses' spills and minimize environmental damage and cleanup costs.

MPCA serves on the Clean Waterways Conference planning committee, bringing preparedness issues to their agenda. In addition, MPCA EMU staff are contributing partners in several of the public/private sector preparedness groups. MPCA is an active participant in the following organizations, all of which promote coordinated spill preparedness and response:

- Minnesota Water and Wastewater Agency Response Network, an organization coordinating mutual aid in time of system breakdown or disaster of local water and wastewater operations.
- Red Wing Community Awareness and Emergency Response (CAER) Organization.
- Wakota CAER in Washington and Dakota counties.
- United States Coast Guard Western Lake Superior Port Area Committee.
- EPA Siouxland, Red River and Twin Cities sub-area committees.
- EPA Region V Regional Response Team.
- Upper Mississippi River Basin Association, Spills Group.

Fostering relationships and building partnerships results in a prepared state and unified, effective, efficient responses. The MPCA EMU strives to improve the state's preparedness on a daily basis.

## **Minnesota Department of Transportation Office of Freight and Commercial Vehicle Operations**

The Minnesota Department of Transportation (MnDOT) Office of Freight and Commercial Vehicle Operations (OFCVO) is responsible for responding to transportation-related hazardous materials incidents by all modes. This includes hazardous materials commercial motor vehicle crashes, homeland security-related incidents, and spills and abandonments of hazardous materials on MnDOT rights of way. OFCVO has three hazardous materials specialists who rotate on call to respond immediately to these incidents.

OFCVO hazardous materials specialists have in-depth knowledge of hazardous materials transportation regulations. They also have extensive training and experience in:

- The Incident Command System.
- Emergency response techniques and management.
- The design and construction of hazardous materials cargo tanks and other hazardous materials packages.
- Product transfer.
- Heavy-duty vehicle recovery and towing.
- Chemical and radiological hazards.
- Abandonments and illegal dumping of hazardous materials.

MnDOT hazardous materials specialists investigate causes of transportation-related incidents and refer responsible parties for regulatory review when merited. Transportation-related incidents are tracked internally. OFCVO staff also use the U.S. Department of Transportation incident reporting system to help identify hazardous materials shippers and carriers involved in multiple incidents. Post-incident follow-up investigations include an examination of shipper and carrier procedures and records to determine whether hazardous materials tankers and other equipment were properly inspected and maintained, and whether all hazardous materials employees, including truck drivers, were properly trained, tested and certified.

Two of MnDOT's three hazardous materials specialists are CVSA-certified to conduct level VI inspections. These inspections ensure packaging and vehicles transporting transuranic wastes or highway-route controlled quantities of radioactive materials are defect free and safe to enter and travel through Minnesota.

OFCVO hazardous materials specialists continue to offer incident response first responder training to police, fire departments and state and local highway maintenance workers. These classes are designed to assist local and state agency personnel in identifying the hazards that may be present at a transportation-related hazardous materials incident. OFCVO staff provide hazardous materials training to the private sector, with the goal of reducing highway crashes and hazardous materials incidents.

## **Conclusion**

Minnesota has an effective response system in place with a centralized notification point — the MDO — and an ongoing coordination and communication system between the agencies primarily responsible for oil or hazardous substance discharge incidents. The state emergency response teams and agencies meet regularly to maintain interagency cooperation, share training, and maintain and improve response levels in order to provide the best services possible for the state. Minnesotans can be assured that highly trained specialists are on hand whenever an incident involving oil or hazardous substances occurs.